

Application No.: 10/777,920

REMARKS

The Office Action of October 5, 2005 has been carefully considered. Reconsideration of this application, as amended, is respectfully requested.

Turning now, to the office action, claims 1, 2, 6, 8, 10, 11, 14 and 15 were rejected under 35 U.S.C. §102(e) in view of Keith (6,634,621).

Applicants acknowledge the Examiner's indication that claims 3 – 5, 7, 9, 12 – 13 and 16 – 17 were objected to as being based upon a rejected base claim, but were otherwise allowable if rewritten in independent form to include limitations of the base and intervening claims.

It is respectfully noted that independent claim 1 has been amended to recite a cable slack signal representing a cable slack condition, and that claims 2, 3, 7 and 9 dependent therefrom, have been similarly amended to reflect the amendment to claim 1 and cancellation of claims 6 and 8. Furthermore, claims 6 and 8 have been cancelled in the amendments presented above without prejudice or disclaimer to the subject matter contained therein.

Rejection under 35 U.S.C. §102(e) in view of Keith (6,634,621)

The rejection under 35 U.S.C. §102(e) is respectfully traversed in view of the amendments presented above and further considering the following arguments that specifically indicate the failure of Keith to teach or suggest various limitations of the claims as reflected in the Listing of Claims above. Although Keith does teach a spool 10 with a cable 8 connected to a weight or load 2 (col. 4, lines 17-27), there is simply no teaching of a slack or similar cable condition signal. Rather, what is taught by Keith, as indicated in the following excerpts, are sensors to detect the presence of the cable on the spool at a particular location (col. 4) – thereby indicating whether the cable has been raised or lowered to a vertical limit as expressly stated at col. 6. Also of note is the incorrect characterization of sensor 12 of Keith as a force sensor – sensor 12 is a cable presence sensor, although Keith further teaches up/down sensors 32 and 34, respectively. The rejection must fail because each of the rejected claims (specifically independent claims 1, 11 and 14, as presently amended) recite a cable slack signal and/or a cable slack sensor.

Application No.: 10/777,920

Keith teaches at col. 4:

Referring to FIG. 2, a motor 22 may power the spool 10 which may release the cable 8 and/or which may retrieve the cable 8. A first sensor 12 and a second sensor 14 may detect when the cable 8 has reached a vertical limit. The first sensor 12 and the second sensor 14 may each detect presence or absence of the cable 8, respectively. If the first sensor 12 detects the cable 8 on the spool 10, the first sensor 12 may send a signal to the controller 21. The first sensor 12 may be located near a top end 10a of the spool 10. The detection of the presence of the cable 8 at the top end 10a of the spool 10 by the first sensor 12 is an indication that the cable 8 reached a vertical limit. The first sensor 12 may signal to the controller 21 the presence of the cable 8, and the controller 21 may signal the motor 22 to stop. To this end, the motor 22 may be attached to the spool 10 and may power the spool 10 such that the spool 10 may retrieve and/or release the cable 8.

The second sensor 14 may be located near a bottom end 10b of the spool 10. If the second sensor 14 detects the absence of the cable 8, the second sensor 14 may send a signal to the controller 21. Because of the location of the second sensor 14 near the bottom end 10b of the spool 10, the detection of the absence of cable 8 at the bottom end 10b of the spool 10 is an indication that the cable 8 reached a vertical limit. If the controller 21 receives a signal from the second sensor 14, the controller 21 may send a signal to the motor 22 to stop the spool 10 from releasing the cable 8. The controller 21 may, therefore, control speed and/or operation of the motor 22.

Keith further teaches at col. 6:

As discussed previously, the first sensor 12 may detect when a maximum amount or other predetermined amount of the cable 8 has been retrieved. Further, the second sensor 14 may detect when the maximum amount or other predetermined amount of the cable 8 has been released. Accordingly, the controller 21 may then stop the motor 22 from powering the spool 10 to retrieve or release the cable 8, respectively. This happens regardless of the pressure applied to the handle 6.

Application No.: 10/777,920

Clearly the reference to sensors detecting the presence or absence of a cable (col. 4), or even a maximum amount of cable retrieved or released (col. 6) does not give rise to a suggestion that Keith recognized a problem with cable slack, or any need to sense when a cable has slack. Absent a teaching of the recited claim limitations, or even a recognition of the problem, Keith cannot anticipate the invention as presently claimed in the instant application.

The cable presence sensors employed by Keith to detect vertical/cable travel limits cannot produce cable slack signals upon which a controller can act as recited in amended claim 1. In other words, Keith does not teach or suggest "a controller for controlling operation of the actuator, the controller being responsive to a first signal from the sensor representing operator-applied force and a cable slack signal representing a slack condition of the cable; and the controller being programmed to cause the actuator to wind and unwind the cable in response to the first signal, and to override the control as a function of the first signal in response to the cable slack signal." In view of the amendment to claim 1 to specifically recite a cable slack signal, Applicants respectfully submit that claim 1 is not anticipated by Keith.

Considering the rejection of independent claim 11, in addition to the arguments presented above, Keith fails to teach or suggest a cable slack sensor as expressly recited in claim 11. Keith further fails to teach the recited limitation of a signal indicative of the condition of a wound cable (not presence), including "a cable slack signal generated by a cable slack sensor" as recited in claim 11. Accordingly, Applicants respectfully contend that the limitations of claim 11 are unanticipated by Keith.

Similarly, considering the rejection of Independent claim 14, in addition to the arguments presented above, claim 14 recites "monitoring the slack condition of a cable with a slack sensor." As discussed previously, Keith fails to teach or suggest a slack sensor and cannot, therefore, teach monitoring of a signal from such a sensor. Hence, claim 14 is also respectfully urged as being unanticipated by Keith.


Insofar as claims 2, 6, 8, 10 and 15, are concerned, these claims all depend from now presumably allowable amended claims 1 or 14 and are also believed to be in allowable condition for the reasons hereinbefore discussed with regard to claims 1 and 14.

Application No.: 10/777,920

In view of the foregoing remarks and amendments, reconsideration of this application and allowance of the remaining claims thereof are earnestly solicited. In the event that additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP.

In the event the Examiner considers personal contact advantageous to the timely disposition of this case, the Examiner is hereby authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,



Duane C. Basch
Attorney for Applicants
Registration No. 34,545

Basch & Nickerson LLP
1777 Penfield Road
Penfield, New York 14526
(585) 899-3970

DCB/dcb